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DATE: December 17, 2001  
 TO: Nancy Johnson, Examiner  
 FIRM: United States Patent and Trademark Office  
 CITY, STATE: Washington, DC  
 FAX TELEPHONE NUMBER: (703) 308-6916  
 CONFIRMING NUMBER: \_\_\_\_\_  
 FROM: David E. Heisey  
 DIRECT DIAL: 619.699.2494 DIRECT FAX: 619.645.5397  
 TRANSMITTING: 7 PAGES (including cover page)  
 ADDITIONAL COMMENTS OR INSTRUCTIONS: \_\_\_\_\_

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30504-00001

(TO BE COMPLETED BY SENDER)

ATTORNEY: David E. Heisey

99415 30504-00001

(USER NO./CLIENT-MATTER NO.)

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CONFIRMING NUMBER: \_\_\_\_\_

RECIPIENT'S NAME: Nancy Johnson, ExaminerPAGES TRANSMITTED: 7

**LUCE FORWARD**

ATTORNEYS AT LAW • FOUNDED 1873  
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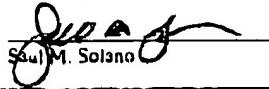
**FAX RECEIVED****DEC 17 2001****PETITIONS OFFICE**

December 17, 2001

30504-1/P01

**Via Facsimile & Express Mail**  
Assistant Commissioner for Patents  
Attn: Nancy Johnson, Examiner  
2900 Crystal Drive  
Arlington, VA 22202-3513

I hereby certify that this document and the enclosures referred to therein are being sent Via Facsimile, on December 17, 2001, to facsimile No. (703) 3086916 which is the facsimile No. of Examiner Nancy Johnson with the United States Patent and Trademark Office and the original of this document and the enclosures referred to therein are being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service, under 37 C.F.R. § 1.10 on December 17, 2001, and addressed to Assistant Commissioner for Patents, Attn: Nancy Johnson, Patents Examiner, 2900 Crystal Drive, Arlington, VA 22202-3513



Sue M. Solano

EL839388227US  
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Title: WEARABLE CONTINUOUS RENAL REPLACEMENT THERAPY DEVICE  
 Applicant: Victor GURA  
 Appl. No.: 29/150,402  
 Art. No.: 30504-1/P01  
 Filed: November 16, 2001

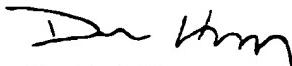
Dear Ms. Johnson:

Pursuant to our telephone conversation on Friday, December 14, 2001, I am sending you a Petition to Convert application No. 29/150,402 into a utility application. Enclosed please find the following document:

- Petition under 37 CFR 1.181 and 1.182; and
- A check in the amount of \$130.00 to cover the petition fee.

If there are any questions regarding this matter, please contact me at (619) 699-2494.

Sincerely,



David E. Heisey  
Attorney for Applicant  
Registration No. 42,651  
For  
Luce, Forward, Hamilton & Scripps LLP

DBW/SMS  
Enclosure

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****FAX RECEIVED**In re application of: **GURA****DEC 17 2001**Application No.: **29/150,402****PETITIONS OFFICE**Filed: **November 16, 2001**For: **WEARABLE CONTINUOUS RENAL REPLACEMENT THERAPY  
DEVICE**Art Unit No.: **2900**Examiner: **UNKNOWN**Art Docket No.: **30504-1/P01**Assistant Commissioner for Patents  
Washington, DC 20231**Petition under 37 CFR 1.181 and 1.182**

In response to the Notice to File Missing Parts dated December 5, 2001, Applicant hereby petitions the Office to change the above-identified patent application from a design application to a utility application.

**Statement of Facts**

On November 16, 2001, Applicant filed a utility application with the USPTO, including twenty (20) pages of specification, one (1) page of abstract and nine (9) drawing sheets. The application was accompanied by a five (5) page application transmittal, which was incorrectly entitled "NEW DESIGN APPLICATION TRANSMITTAL". The title should have read "NEW UTILITY APPLICATION TRANSMITTAL". Because of the incorrect title, the application was entered as a design application instead of a utility application.

Aside from the incorrect title, the application and transmittal clearly indicate the intent to file a utility application. For example, the fee for a utility application was designated on the transmittal, including an additional fee for thirteen (13) extra claims. By contrast, a design application has only one (1) claim. In addition, the specification contains twenty (20) pages of written disclosure describing a utilitarian invention. It would be highly unusual for a design application to contain such a written disclosure. For these reasons, it is clear that Applicant intended to file and pay for a utility patent application rather than a design patent application.

#### **Point(s) to be Reviewed**

Conversion of the above-captioned application from a design application to a utility application.

#### **Action Requested**

Applicant hereby petitions the Office to change the above-identified patent application from a design application to a utility application.

#### **Petition Fee**

This petition is accompanied by a fee of \$130.00, as provided by 37 CFR 1.17(h), which includes petitions based on decisions not specifically provided for (37 CFR 1.182).

## Conclusion

If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 for any additional fees required under 37 CFR 1.16 or 1.17, particularly extension of time fees.

Date: 12/17/2001

Respectfully submitted,

By D. E. Heisey  
David E. Heisey  
Attorney for Applicant  
Registration No. 42,651

**LUCE, FORWARD, HAMILTON & SCRIPPS LLP**  
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## PETITIONS OFFICE

LUCE, FORWARD, HAMILTON &amp; SCRIPPS LLP

Attorneys at Law

0003258

Commissioner of Patents

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12/17/2001	DAVID HEISEY	J1504-1	01 01 01312-00000
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12/17/2001	000118612		
		TOTAL	130.00

## LUCE, FORWARD, HAMILTON &amp; SCRIPPS LLP

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San Diego, CA 92101

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Mailing Date

December 17, 2001

Attn:

David E. Heisay

File No.:

30504-1/PO1

Patent No.:

29150403

Title:

WEARABLE CONTINUOUS PERIODIC  
REPLACEMENT THERAPY DEVICE

Please confirm receipt of the document(s) checked below by applying your date stamp (and Serial No.):

Patent application, including \_\_\_\_\_ pages of Specifications and Claims and \_\_\_\_\_ sheets of Drawings, and New Application Transmittal

Declaration

Power of Attorney

Small Entity Statement (Bus/Individual)

Response to Office Action

Check No. \_\_\_\_\_ for \$ 130.00

Section under 37 CFR 1.181 or 1.182

DATE STAMP

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